# CITY COUNCIL MEETING
# JANUARY 14, 2014 AT 6PM
# CITY HALL COUNCIL CHAMBERS
# 405 N. PASEO DE OÑATE ESPAÑOLA, NM

## A. CALL TO ORDER

The meeting was called to order at 6:00 pm by Mayor Alice A. Lucero

## B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/INVOCATION

Councilor Pedro Valdez led the Pledge of Allegiance & Moment of Meditation/Invocation. He then observed a moment of silence for a recent shooting that occurred at a Roswell, New Mexico school.

## C. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

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| Mayor: | Alice A. Lucero |
| Mayor Pro-Tem | Dennis Tim Salazar |
| Councilors: | Elaine Herrera |
| | Cory Lewis |
| | John Hernandez |
| | Peggy Sue Martinez |
| | Pedro Valdez |
| | Robert Seeds |
| | Eric Radosevich |

## D. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

**A. CALL TO ORDER**
**B. PLEDGE OF ALLEGIANCE MOMENT OF MEDITATION/INVOCATION**
**C. ROLL/CALL DETERMINATION OF QUORUM**
**D. APPROVAL OF AGENDA**
**E. PUBLIC COMMENTS**
**F. COUNCILOR COMMENTS/ANNOUNCMENTS**
**G. MATTERS FROM THE MAYOR**
1. Employee of the Month- Juan Antonio Chavez, Wastewater Lab Analyst
2. Appointment of Fiesta Council Executive Committee

**H. PUBLIC HEARINGS**

3. ORDINANCE 2014-01: An ordinance relating to the water and sewer system; providing for recovery of the cost from customers located in territory of governments charging access, easement, Lease, use trespass for city water and sewer lines and related facilities.
4. ORDINANCE 2014-02: An Ordinance Replacing 2010-05, Adopting the New Mexico Uniform Traffic Ordinance By Reference.
5. Appeal by Avgael Munoz-Duran- This is an appeal to the Planning and Zoning Commission's denial of the commercial site plan review of 805 S. Riverside Drive. The property is located at 805 S. Riverside Dr, within the B-2- General Commercial District.

I. **REPORTS**

6. Council Appointed Liaisons (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)
7. Staff Reports

J. **CONSENT AGENDA**

8. 11.9.13 City Council Meeting Minutes
9. 12.9.13 City Council Meeting Minutes

K. **ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION – ACTION ITEMS**

10. Consideration of Water Easement to Espanola Public Schools
11. Consideration of RFP 2013-005- Artificial Turf for Softball Turf
12. Consideration of Change Order Proposal #1- Softball Field Lighting
13. Co-Sponsorship of Rio Arriba County Substance Treatment Outreach & Prevention 6-PAC Conference
14. Co-Sponsorship of Cinco de Mayo Car Show and Approval of Beer Garden, Andres Valdez of Bring It Back
15. Final Approval of Lease Agreement between City of Española and Siete del Norte
16. Resolution 2014-01: Providing for Regionalization of Economic Development Projects and Supporting Rio Arriba County Detention Facility Improvements
17. Consideration of Settlement Agreement with Antonio Gallegos, Kristin Pettine and Andre Gallegos presented by Mark Basham, Attorney for the City Insurance Company (Executive Session Item)

**L. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

**M. ADJOURNMENT**

---End---

Mayor Lucero asked if the Council had any changes, additions or deletions to the agenda.

***Motion by Councilor Eric Radosevich to approve the agenda; seconded by Councilor Herrera.***

***Motion Carried 8-0.***

**E. PUBLIC COMMENT**

Mayor Lucero announced that there were two (2) Public Hearings on the agenda and one (1) appeal. She asked that the public limit their comments to three (3) minutes. Councilor Lewis expressed the belief that if the information was important and relevant to the issue, the time limit should not be enforced.

Española Valley Resident James Garcia stated that he and several other residents of the Española Valley had begun to meet on a regular basis and had formed a community watch committee. He explained that the community watch committee had formed in response to several nuisances and break-ins within their residential area. He stated that although he believed the Española Police Department was doing what they could, the problems occurring in his area were more frequent than he believed the Police Department could handle. He stated that he wanted to speak publicly to encourage the community to voice their concerns and devote time to their community. He stated that he believed it would be a positive event if law enforcement officials would attend the community meetings as well. He commented that there were a lot of issues that concerned the committee.

***Councilor Martinez exited at 6:07pm.***

Councilor Valdez stated that the City of Española Public Safety Committee met on a monthly basis. He encouraged the neighborhood watch committee to attend. He stated that there were two (2) locations in town that advertised public meetings and announced that the City Clerk's Department placed public notice bulletins outside Center Market and inside the Fairview Post Office.

***Councilor Martinez re-entered at 6:08pm.***

Española Valley Resident Nikki Bustos reported that that she was a victim of a recent break-in. She stated that an intruder had entered her home by breaking a window and although no one was present in her home, a neighbor noticed the intruder exiting and leaving. Ms. Bustos stated that her neighbor was able to get a brief description of the intruder as well as a license plate number. She continued that the neighbor had contacted the Española Police Department and Ms. Bustos had called to file a report. Ms. Bustos stated that the Police Officer had noted the facts of the complaint and assured her that an officer would stop by the residence to log the damage. Ms. Bustos stated that she was very disappointed with the amount of time it took officials to respond to the residential break-in. She explained that her mother had contacted a local glass company to replace the broken window and they had arrived prior to the Police Department. Ms. Bustos stated that her sister had written a detailed report of what she observed from the debris of the break-in. Ms. Bustos concluded by expressing her concern about public safety. She thanked Mayor Lucero and the City Council for their time.

Mayor Lucero thanked Ms. Bustos for speaking publicly about her break-in. Councilor Radosevich thanked Ms. Bustos and asked Española Director of Public Safety Eric Garcia to speak on the matter.

Director of Public Safety Eric Garcia apologized to Ms. Bustos. He stated that the response time for the incident should not have been so lengthy. He explained that officers had responded to several incidents that day. Director of Public Safety Garcia stated that the Española Police Department worked in a collaborative effort with other agencies and departments to ensure that justice and safety

prevailed. He praised the efforts of Municipal Court Judge Stephen Salazar and Rio Arriba County Magistrate Court Judge Joe Madrid for their collaborative methods with criminal rehabilitation. He stated his number for the record so that the listening audience may contact him directly.

Retired Police Officer Joseph Griego stated that he had been an officer of the law for twenty-four (24) years. He expressed the opinion that the Department of Public Safety and other agencies and departments could effectively reduce crime if they worked through a collaborative effort. He echoed the sentiments of Director of Public Safety Garcia. He further expressed that ordinances must be enforced as well as revisited every five (5) years due to changes within the community. He finalized his comment by stating that police officers were subject to extreme and dangerous circumstances and he would like to see their wages increased in the not so distant future.

Retired Police Officer Steven Griego stated that he owned the Espanola Tire Factory. He stated that he had been victimized by theft and property damage. He reported that intruders and thieves would often operate during the early morning hours. Mr. Griego stated that vehicles within his business property had been stripped of their parts and explained that although he had security cameras in place, the thieves were skilled and acted quickly. He commented that he had noticed less patrol units during the early morning hours and there should be more. He explained the importance of public safety in numbers.

### F. COUNCILOR COMMENTS/ANNOUNCEMENTS

Mayor Pro-Tem Salazar stated that he too had been a victim of an attempted break-in. He sympathized with Mr. Steven Griego, Mr. Garcia and Ms. Bustos. He expressed that the feeling of anyone breaking into one's home was not comforting. He stated that when one's family was affected by a burglary, it violated a sense of security and peace within that home. Mayor Pro-Tem Salazar thanked the Española Police Department for their quick response in the matter and urged the public to engage in future Public Safety Meetings. He thanked Mr. Garcia and Ms. Bustos for shedding light on a problem that faced the community.

Councilor Martinez stated that an average of seventy thousand (70,000) cars passed through the greater Española Valley. She added that many of the cars passing through stopped to put gas and spend money within the City. She expressed the belief that it was a state of emergency when there was only two (2) City Police Units during the nighttime and early morning hours. She further stated that she would like to see that number increase to ten to twenty (10-20) units, if not more.

Councilor Valdez explained that due to the complex dynamic and layout of Northern New Mexico, the City Police, Rio Arriba County Sheriff's Department, Santa Fe County Sheriff's Department, New Mexico State Police and Tribal Police Department patrolled the City. Councilor Valdez mentioned that the collaborative effort existed but the frequency of communication was separate.

### G. MATTERS FROM THE MAYOR

**1. Employee of the Month**

Wastewater Treatment Plant (WWTP) Superintendent Perry Vigil explained that he had

nominated Wastewater Lab Analyst Juan Antonio Chavez for Employee of the Month of January 2014 because he had proven to go above and beyond what was expected of him. WWTP Superintendent Vigil further stated that Wastewater Lab Analyst Chavez was highly project oriented and could handle many roles. WWTP Superintendent Vigil reported that Wastewater Lab Analyst Chavez had volunteered to stay later than normal business hours to help when needed and arrived to work earlier than expected. WWTP Superintendent Vigil stated that he wanted to recognize Mr. Chavez for his amazing initiative, hard work, and willingness to help. He announced that Wastewater Lab Analyst Chavez had earned his level three (3) certification and would continue to work toward his level four (4) certification. Mayor Lucero thanked Wastewater Lab Analyst Chavez for his hard work and dedication and presented him with the award for Employee of the Month for January 2014.

**2. Appointment of Fiesta Council Executive Committee**

Mayor Lucero asked 2014 Fiesta Council President Antionette Vigil to introduce the names of the representatives recommended to hold positions(s) on the 2014 Fiesta Council Executive Committee. Ms. Vigil explained that some of the 2014 Fiesta Council Executive Committee nominees had been actively involved with Fiestas for many years and others were newcomers. She stated the following names for appointment of 2014 Fiesta Council Executive Committee: Ms. Geraldine Montoya for Treasurer, Ms. Carol Ann Salazar for Deputy Treasurer, Ms. Patricia Altamirano for Secretary and Ms. Kimberly Lucero for Deputy Secretary.

***Motion by Councilor Valdez to approve the appointment of the 2014 Fiesta Council Executive Committee; seconded by Councilor Radosevich.***

***Motion carried 8-0***

**H. PUBLIC HEARINGS**

**3. ORDINANCE 2014-01:** An ordinance relating to the water and sewer system; providing for recovery of the cost from customers located in territory of governments charging access, easement, Lease, use trespass for city water and sewer lines and related facilities.

City Attorney Frank Coppler stated that he had attended a series of meeting(s) pertaining to trespass easements regarding City water and sewer lines. He explained that in the event that the City of Española was required to pay for access, easement, lease, use or trespass costs for water and sewer lines and related facilities in public roads, streets or highways in the territory of governmental entity imposing such requirement for payment, the City shall pass on to its water/sewer customers in that territory an amount sufficient to permit the City to recover its costs for access, easement, lease, use or trespass. He further explained that a House Bill relating to utilities, an act to amend a section of the Public Utility Act to provide for fees paid to governmental authorities by public utility or distribution cooperative utility was being proposed at the legislative session. City Attorney Coppler stated that a franchise fee charge or any other fee for access to, on, over or under lands within the jurisdiction of the governmental entity paid by a public utility or a distribution cooperative utility to a governmental authority entitled to charge such a fee or access charge, including Native American government shall be stated as a separate line entry on a bill sent by a public utility or a distribution

cooperative utility to a customer and shall only be recovered from a customer located within the jurisdiction of the government authority imposing the franchise fee or other fee or charge. He further stated that any gross receipts taxes collected on electrical services by a retail customer in the state shall be cited on a separate line entry on a bill for electrical service sent to the customer by a public utility or distribution cooperative utility. He concluded his statement by adding that no public utility distribution cooperative shall have an obligation to provide service to any customer if the provision of such service would result in the public utility or distribution cooperative utility being in violation of the laws of any governmental entity.

***Mayor Lucero opened the Public Hearing at 7:00pm.***

Mr. Jose "Coco" Archuleta stated that not one City official had successfully negotiated easements with neighboring tribal entities and now the taxpayer would bear the cost of poor communication. He stated that he was disheartened by the failed attempt and negotiations and added that he was not in favor of Ordinance 2014-01.

***Mayor Lucero closed the Public Hearing at 7:01 pm.***

***Motion by Councilor Valdez to approve Ordinance 2014-01: An ordinance relating to the water and sewer system; providing for recovery of the cost from customers located in territory of governments charging access, easement, lease, use trespass for city water and sewer lines and related facilities; seconded by Councilor Radosevich.***

Councilor Seeds stated that he was not in favor of passing the ordinance and agreed with Mr. Archuleta. Councilor Lewis stated that he felt strongly that the fees should not increase but decrease. Councilor Martinez asked how many local customers, including commercial, would be affected by this ordinance.

City Attorney Coppler stated that only the two percent (2%) of customers who infringed on pueblo land would be affected. He further stated that approximately one-hundred and forty (140) businesses and residents within City limits and on the boundaries of the Santa Clara Pueblo would have an increase to their utility fees.

***Roll Call Vote:***

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|---|---|---|
| ***Mayor Pro-Tem:*** | ***Dennis Tim Salazar*** | ***Against*** |
| ***Councilors:*** | ***Robert Seeds*** | ***Against*** |
| | ***Pedro Valdez*** | ***In Favor*** |
| | ***Peggy Sue Martinez*** | ***Against*** |
| | ***John Hernandez*** | ***In Favor*** |
| | ***Cory Lewis*** | ***Against*** |
| | ***Eric Radosevich*** | ***In Favor*** |
| | ***Elaine Herrera*** | ***In Favor*** |

***Mayor Lucero broke the tie and voted in favor of Ordinance 2014-01.***

***Motion Carried 5-4, with Councilor Seeds, Councilor Martinez, Mayor Pro-Tem Salazar and Councilor Lewis voting in the negative.***

4. **ORDINANCE 2014-02**: An Ordinance Replacing 2010-05, Adopting the New Mexico Uniform Traffic Ordinance By Reference.

***Mayor Lucero opened the Public Hearing at 7:29pm.***

***Motion by Councilor Valdez to approve Ordinance 2014-02: An Ordinance Replacing 2010-05, Adopting the New Mexico Uniform Traffic Ordinance By Reference; seconded by Councilor Lewis.***

Councilor Martinez asked if the City would incur any additional costs by adopting the ordinance. City Attorney Coppler replied in the negative and stated that the ordinance was routine.

***Roll Call Vote:***

| | | |
|---|---|---|
| ***Mayor Pro-Tem:*** | ***Dennis Tim Salazar*** | ***In Favor*** |
| ***Councilors:*** | ***Robert Seeds*** | ***In Favor*** |
| | ***Pedro Valdez*** | ***In Favor*** |
| | ***Peggy Sue Martinez*** | ***In Favor*** |
| ***Councilors:*** | ***John Hernandez*** | ***In Favor*** |
| | ***Cory Lewis*** | ***In Favor*** |
| | ***Eric Radosevich*** | ***In Favor*** |
| | ***Elaine Herrera*** | ***In Favor*** |

***Motion Carried 8-0.***

***Councilor Eric Radosevich exited at 7:33pm.***

5. **Appeal by Avgael Munoz-Duran** of the Planning and Zoning Commission's denial of the commercial site plan review of 805 S. Riverside Drive. The property is located at 805 S. Riverside Dr, within the B-2- General Commercial District.

Planning & Zoning (P & Z) Director Russell Naranjo stated that Mr. Munoz-Duran had requested a variance during the Planning & Zoning Commission meeting on December 12, 2013.

***Councilor Radosevich re-entered at 7:34pm.***

P&Z Director Naranjo stated that the request for a commercial site plan review was for the purpose of operating two towing and storage service businesses from the same location and had been denied. He explained that vehicles were often towed due to breakdowns, collisions or for legal reasons and placed in a holding area until an insurance agency or legal entity released the vehicle. He clarified that the P&Z Commission had denied the request based on the applicants failure to demonstrate full compliance with Article IV, Section 153 of the Official Developmental Code. P&Z Director Naranjo

stated that he was tasked with upholding the code and cautioned that improper water and waste water practices posed threats to neighboring communities. He added that such a business must demonstrate adequate provisions for transportation, water, sewage, schools, parks and other public requirements. He concluded that leaking oil from vehicles, as well as other hazardous fluids, did not promote the health, safety and welfare for surrounding neighboring residents.

City Attorney Coppler stated that Mr. Munoz-Duran of "Total Secure Towing" was advised of the process involved and proceeded to purchase the property in question. He stated that a water hookup was provided to Mr. Munoz-Duran via the existing residential meter and septic tank on the property. He stated that, shortly thereafter, the applicant proceeded to construct a privacy fence around the property without obtaining a zoning permit and/or building permit from the Planning & Zoning Department. City Attorney Coppler stated that it was at this time that it was determined that the applicant was conducting business at the location. City Attorney Coppler stated that the case had been argued and adjudicated by District Court as a result of a lawsuit filed against the City by Mr. Munoz-Duran.

***Mayor Lucero opened the Public Hearing at 7:39pm.***

Mr. Dale Livermore, Realtor and Interpreter for Mr. Munoz-Duran, stated that after the December 12, 2013 Planning & Zoning Commission meeting, the fence surrounding the property was taken down and there were no longer dogs on the premises. He stated that the location would only be classified as a toll service and/or dispatch center and vehicles would not be stored over a certain length of time nor would harmful fluids be allowed to escape. Mr. Livermore stated that Mr. Munoz-Duran had agreed to pave the entire property with high grade asphalt, to plant trees, and would erect a fence between 805 S. Riverside Dr. and 806 S. Riverside Dr. He explained that the tall fence would serve as a courtesy to the neighboring Days Inn Hotel which would no longer have a visible eye-sore from the second story of the hotel. Mr. Livermore stressed that Mr. Munoz-Duran was making efforts to comply with the City and asked that Mr. Munoz-Duran be allowed to obtain a City Business License and contribute to gross receipts tax if all criteria was met.

Mr. Jose "Coco" Archuleta stated that he was present to protest the business in question. He explained that he owned the property next to Mr. Munoz-Duran at 804 S. Riverside Dr. He further stated that the business in question would bring down the property value in the area. He stated that he was not in favor of the appeal because of the risk a wrecking yard posed to the community.

***Mayor Alice A. Lucero closed the Public Hearing at 7:51pm.***

Motion by ***Councilor Pedro Valdez to deny the appeal; seconded Councilor Hernandez.***

Councilor Valdez stated that a dispatch wrecking service would serve to depreciate the area. He added that anyone who worked hard on their home would not like to see their property depreciate. He concluded that he could only foresee future problems.

Councilor Radosevich stated that if Mr. Munoz-Duran agreed to comply with the Planning & Zoning Department recommendations and would not attempt to deviate from compliance, he may consider the appeal.

Councilor Seeds echoed the comment made by Councilor Radosevich. He stated that the City should encourage business and growth, not discourage a business that may provide valuable jobs and support gross receipts tax.

Councilor Hernandez stated that it would not be an easy decision and expressed the belief that the City had ordinances in place to protect future growth. He stated that laws were in place to be abided by. Councilor Hernandez stated that if Mr. Munoz-Duran were willing to improve and address all of the requirements listed by the Planning & Zoning Commission, he would not have a reason to deny his request.

Councilor Martinez stated that she would not like to see property values depreciate as a result of granting the appeal. She stressed that Mr. Munoz-Duran must follow all the necessary protocols in place.

***Councilor Pedro Valdez withdrew his motion to deny the appeal. Councilor John Hernandez withdrew his second of the motion to deny the appeal.***

***Motion by Councilor Radosevich to reverse the Planning & Zoning Commission's denial of the commercial site plan review of 805 S. Riverside Drive; seconded by Councilor Seeds.***

***Roll Call Vote:***

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| ***Mayor Pro-Tem:*** | ***Dennis Tim Salazar*** | ***In Favor*** |
| ***Councilors:*** | ***Robert Seeds*** | ***In Favor*** |
| | ***Pedro Valdez*** | ***Against*** |
| | ***Peggy Sue Martinez*** | ***In Favor*** |
| | ***John Hernandez*** | ***In Favor*** |
| | ***Cory Lewis*** | ***In Favor*** |
| | ***Eric Radosevich*** | ***In Favor*** |
| | ***Elaine Herrera*** | ***In Favor*** |

***Motion Carried 7-1, with Councilor Valdez voting in the negative.***

City Attorney Coppler stated that the following conditions of approval must be met:

1) Hard surface the lot to protect adjacent acequias and ground water from potential contamination from vehicle fluids.
2) Design a proper drainage plan to incorporate proper retention to adequately address storm water on the lot and keep from cross contamination with vehicle fluids.
3) De-construct the un-permitted wood screen fence and submit for permit, plans for a solid screen fence/wall of proper construction so as to screen the view from adjacent properties.
4) All proper licensing and permitting through the State of NM and City of Espanola be obtained prior to issuance of Certificate of Occupancy for the business.
5) All signage must be in accordance with the existing sign code and properly permitted.

6) Proper water and waste water hook-ups be obtained.

***Mayor Lucero closed the Public Hearing at 8:23pm.***

***Councilor Seeds exited at 8.23pm.***

**K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION – ACTION ITEMS**

**10. Consideration of Water Easement to Española Public Schools**

Española Public Schools Superintendent Dr. Danny Trujillo stated that in order to provide an adequate supply of water to ETS Fairview Elementary School and support the life, safety and health of the school and the City, the Española Public School District proposed to extend a 10-inch water line from Fairview Lane, south under Bonecutter Dr., to the Santa Clara Mobile Home Park. Dr. Trujillo stated that nothing had changed other than that they had received easement from the Santa Clara Pueblo and funding to pay for the waterline installation. He stated that he was very excited to see everything come to full fruition and asked that the Governing Body accept his proposal and allow water easement in order to begin the process.

***Councilor Robert Seeds re-entered at 8:30pm.***

***Motion by Councilor Lewis to approve the Water Easement to the Española Public Schools; seconded by Councilor Seeds.***

***Motion Carried 8-0.***

***Mayor Pro-Tem Dennis Salazar exited at 8:31pm.***

**I. REPORTS**

Councilor Valdez stated that the Public Works Committee met and discussed the issuing of 12,000 Poly Carts.

***Mayor Pro-Tem Salazar re-entered at 8:33pm.***

***Councilor Radosevich exited at 8:36pm.***

Mayor Pro-Tem Dennis Salazar NCRTD stated that he had nothing to report on NCRTD but there had been route improvements.

***Councilor Radosevich re-entered at 8:39pm.***

**Staff Reports**

Interim City Manager Joe Duran stated that through the month of December, the Beatrice V. Quintana-Martinez Senior Center collected $1,474.00. He reported that members of the public

continually inquired about the rental of the center and as graduation season approached, the anticipation for future bookings would be apparent. Interim City Manager Duran announced that Mr. Adrian Martinez and Mr. Freddie Archuleta of the Water Department would receive their Traffic Control Supervisor Certifications soon. He explained that proper traffic control setup was critical and important for the safety of City employees who were out on the roadway. He finalized his comments by stating that safety was the main priority of the Water Department.

Interim City Manager Duran announced that the analysis of the bio-monitoring had been completed and there had been no violations. He added that the Annual Report of New Mexico Environmental Department Solid Waste Bureau had been completed.

Interim City Manager Duran stated that the Fleet Department and the Streets Department had all been working extremely hard to ensure that safety and potential hazards were addressed.

**K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION – ACTION ITEMS**

**16. Co-Sponsorship of Rio Arriba County Substance Treatment Outreach & Prevention 6-PAC Conference**

Ms. Vanessa Gonzales introduced Prevention Specialist Kevin Gonzalez. Ms. Gonzales stated that the acronym 6-PAC event stood for 6th Graders Promoting Alternative Choices and the 2nd annual event would be held on January 23, 2014 from 9:00am until 1:00pm with an hour lunch break. She stated that the Rio Arriba County S.T.O.P. Program was seeking co-sponsorship of the event.

Prevention Specialist Kevin Gonzalez stated that according to the Youth Risk Resiliency Survey (YRRS), Rio Arriba County ranked second in the State for youth trying marijuana before the age of thirteen (13) and youth who drank alcohol on school property. He stated that the organization aimed to provide age appropriate activities that raised awareness of underage drinking and substance use as well as living a healthy lifestyle through exercise and healthy food choices. He explained that presentation(s) included testimonials of people who spoke of the negative effects of drug or alcohol abuse and the impact it had taken on their lives. Prevention Specialist Vanessa Gonzales stated that she was seeking co-sponsorship funds in the amount of $3,500 dollars. She stated that the amount was comparable to what was asked of the City the previous year.

Mayor Pro-Tem Salazar stated that he felt that the organization was extremely important to the youth. He expressed a strong belief that drugs and alcohol affected the area tremendously. He stated that he would like for the Council to approve funds in the amount of five thousand dollars ($5,000). Councilor Cory Lewis echoed the comments of Mayor Pro-Tem Salazar. Councilor Martinez stated that five thousand dollars ($5,000) may be a figure that was a bit steep. Councilor Seeds echoed the comment of Councilor Martinez. He stated that perhaps four thousand dollars ($4,000) was a better amount. He questioned Interim City Manager Duran about the feasibility of providing the funds.

Interim City Manager Duran stated that he believed the funds for the event held the previous year were taken from the City Manager's Budget. Administrative Services Director (ASD) agreed with Interim City Manager Duran.

***Motion by Mayor Pro-Tem Salazarto approve co-sponsorship of the Rio Arriba County Substance Treatment Outreach & Prevention 6-PAC Conference in the amount of four thousand dollars ($4,000); seconded by Councilor Lewis.***

***Motion Carried 8-0.***

**14. Co-Sponsorship of Cinco de Mayo Car Show and Approval of Beer Garden, Andres Valdez of Bring It Back**

Bring it Back Promotions Director Andres Valdez announced that Bring it Back Promotions, in collaboration with StreetLow Magazine, had been planning a car show for the 5th of May (Cinco de Mayo). Mr. Valdez further stated that he had been involved with promoting the City of Española in a positive way. He explained that he wanted the car show to take place on MainStreet and hoped to gain the City Council's approval of the beer garden. He then explained that Bring it Back Promotions had been in contact with the local bands Perfeccion and The Blue Ventures and both had agreed to perform at the venue.

Mayor Lucero asked if a liquor sponsor with a valid liquor license was going to sponsor the beer garden. Mr. Valdez stated that Kenny Salazar and Dennis Salazar of Saints & Sinners Liquor would be sponsoring the beer garden event. Saints & Sinners Liquor Co-Owner Kenny Salazar verified that he and his father were prepared to sponsor the beer garden. He further stated that Saints & Sinners Liquor was in current possession of a liquor license.

***Councilor Martinez exited at 9:03pm.***

Councilor Valdez stated that he was in favor of the event but he was not in support of alcohol.

Councilor Radosevich asked if the event planners were in contact with a security company to patrol the event. Mr. Valdez replied in the affirmative.

***Councilor Martinez re-entered at 9:04.***

Director of Public Safety Eric Garcia stated that he had been involved in a preliminary discussion with Mr. Valdez regarding the safety and welfare of citizens at the car show. He further communicated that he was prepared to have approximately forty (40) law enforcement and emergency fire department officials patrolling the area. He commented that during a similar event held in the summer, law enforcement officers from State, Tribal and County Departments were patrolling the event.

***Motion by Councilor Radosevich to approve the co-Sponsorship of the Cinco de Mayo Car Show and approval of Beer Garden for Bring It Back Promotions; seconded by Mayor Pro-Tem Salazar.***

Councilor Lewis suggested that Bring It Back reimburse the City for the cost of the officers that patrolled the area. Mr. Valdez stated that this had not been done for past carshows. Councilor Lewis stated that this could be done as a large amount of money was collected through entry fees.

***Motion Carried 7-1, with Councilor Valdez voting in the negative.***

**18. Final Approval of Lease Agreement between City of Española and Siete del Norte**

City Attorney Coppler stated that he had been in communication with Mr. Todd Lopez regarding the Lease Agreement. City Attorney Coppler stated that under state statute, with respect to municipal owned property, a lease was negotiated and then brought before the City Council for consideration. City Attorney Coppler stated that under section one of the lease agreement, adoption of an ordinance within a public hearing would allow for City property to be utilized in the best interest of the City. The ordinance stipulated that the City Manager and the City Clerk were the department heads responsible for all necessary documents and administrative details pertaining to the lease. He stressed that if the ordinance passed, advertisement containing information regarding the lease must then be placed within a local newspaper or publication. Citizens may then call for a petition on the lease agreement if they so desired. City Attorney Coppler stated that within section two of the lease agreement, if the lease was not petitioned, the ordinance would authorize the Mayor to execute all documents necessary to complete the transaction and consideration of the lease agreement. He explained that that the lease had not been petitioned and the time limit to petition had expired. He stated that the Governing Body could adopt the lease agreement.

***Motion by Councilor Valdez to approve the Final Approval of Lease Agreement between City of Española and Siete del Norte; seconded by Councilor Seeds.***

***Motion Carried 8-0.***

***Councilor Cory Lewis exited at 9:17pm.***
***Councilor Eric Radosevich exited at 9:17pm.***

Mayor Lucero stated that item number sixteen (#16) on the agenda would not be discussed at the Council Meeting. She asked to omit that item from the agenda.

***Councilor Radosevich re-entered at 9:19pm.***

***Councilor Lewis re-entered at 9:20pm.***

***Motion by Councilor Valdez to enter into Executive Session; seconded by Councilor Herrera.***

***Roll Call Vote:***

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|---|---|---|
| ***Mayor Pro-Tem:*** | ***Dennis Tim Salazar*** | ***In Favor*** |
| ***Councilors:*** | ***Robert Seeds*** | ***In Favor*** |
| | ***Pedro Valdez*** | ***In Favor*** |
| | ***Peggy Sue Martinez*** | ***In Favor*** |
| | ***John Hernandez*** | ***In Favor*** |
| ***Councilors:*** | ***Cory Lewis*** | ***In Favor*** |
| | ***Eric Radosevich*** | ***In Favor*** |
| | ***Elaine Herrera*** | ***In Favor*** |

*Motion Carried 8-0.*

*The Governing Body entered into Executive Session at 9:37pm.*

*Motion by Councilor Martinez to exit Executive Session; seconded by Councilor Valdez.*

*Roll Call Vote:*

| | | |
|---|---|---|
| *Mayor Pro-Tem:* | *Dennis Tim Salazar* | *In Favor* |
| *Councilors:* | *Robert Seeds* | *In Favor* |
| | *Pedro Valdez* | *In Favor* |
| | *Peggy Sue Martinez* | *In Favor* |
| | *John Hernandez* | *In Favor* |
| | *Cory Lewis* | *In Favor* |
| | *Eric Radosevich* | *In Favor* |
| | *Elaine Herrera* | *In Favor* |

*Motion Carried 8-0.*

*The Governing Body exited Executive Session at 9:40pm.*

*Motion by Councilor Valdez to approve the recommendation of the City of Española insurance company to settle the claim of Antonio Gallegos, Kristine Pettine and Andre Gallegos in case # 12-CV-00224; seconded by Councilor Radosevich.*

**Roll Call Vote:**

| | | |
|---|---|---|
| **Mayor Pro-Tem:** | **Dennis Tim Salazar** | **In Favor** |
| **Councilors:** | **Robert Seeds** | **In Favor** |
| | **Pedro Valdez** | **In Favor** |
| | **Peggy Sue Martinez** | **In Favor** |
| | **John Hernandez** | **In Favor** |
| | **Cory Lewis** | **In Favor** |
| | **Eric Radosevich** | **In Favor** |
| | **Elaine Herrera** | **In Favor** |

*Motion Carried 8-0.*

**J. CONSENT AGENDA**

Mayor Lucero stated that City Council Meeting Minutes from November 9, 2013 and December 12, 2013 were on the consent agenda.

*Motion by Councilor Valdez to approve the consent agenda; seconded by Councilor Martinez.*

*Councilor Radosevich exited at 9:55pm.*

***Motion Carried 7-0***

***Councilor Radosevich re-entered at 9:56pm.***

**11. Consideration of RFP 2013-005- Artificial Turf for Softball Turf**

Planning & Zoning Director Russell Naranjo stated that the Evaluation Committee had met on November 21, 2013 to review the seven (7) proposals submitted using criteria developed and included in the Request for Proposals (RFP). He announced that based on the evaluation, the committee recommended Spinturf to provide the labor, materials, equipment and tools necessary for the complete installation of a rubber granule filled synthetic turf system at the softball fields located at 2000 Industrial Park Road in Española. He added that the proposals were available for review in the Procurement Office.

Councilor Seeds stated that he was in favor of the artificial turf and until the City was current with the audits, the RFP was not for a feasible amount. He thanked Planning & Zoning Director Naranjo for his time and effort.

***Motion by Councilor Radosevich to approve the staff recommendation for Spinturf to be contracted with for the purpose of artificial turf; seconded by Councilor Lewis.***

***Motion Carried 7-1, with Councilor Seeds voting in the negative.***

**12. Consideration of Change Order Proposal #1- Softball Field Lighting**

Planning & Zoning Director Naranjo stated that that there was a change order proposal issued from the contractor Prime Electric Incorporated. He explained that the original plans of the softball fields distance measurements were not adequate and the scope of work had to be altered to reinstall underground conduits for the four (4) outfield poles. He further stated that trenching and backfilling was included for the reinstallation of the outfields.

Councilor Radosevich asked how long the changes would take. Planning & Zoning Director Naranjo replied that the work would be extended by ninety (90) days.

***Motion by Councilor Radosevich to approve Change Order Proposal #1- Softball Field Lighting seconded by Councilor Valdez.***

***Motion Carried 6-0, with Councilor Martinez and Councilor Seeds voting in the negative.***

***Councilor Peggy Sue Martinez made a motion to adjourn, the motion was 2nd by Councilor Pedro Valdez.***

***Motion Carried 8-0.***

**M. ADJOURNMENT**

***Motion by Councilor Martinez to adjourn; seconded by Councilor Valdez.***

***Motion carried 8-0.***

***The meeting was adjourned at 10:02pm.***

**APPROVED AND ADOPTED THIS 25th DAY OF February, 2013.**

**Alice A. Lucero, Mayor**

**ATTEST:**

**Tessa Jo Mascareñas, City Clerk**